

United States District Court

for the

Southern District of Indiana

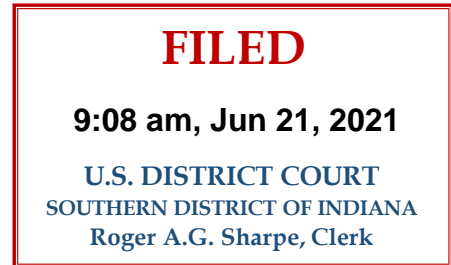
Bradley Erhart,

Plaintiff,

v.

Nancy Erhart,

Defendant.



1:21-cv-1829-TWP-TAB

Case No. _____

Complaint for a Civil Case

1. Basis for Jurisdiction

The basis for federal court jurisdiction is diversity of citizenship.

A. The Plaintiff, Bradley Erhart, is an individual and citizen of the State of Washington.

B. The Defendant, Nancy Erhart, is an individual and citizen of the State of Indiana.

C. The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because the value of the property the plaintiff stands to gain exceeds \$400,000.

2. Parties to This Complaint

A. The Plaintiff

Bradley Erhart

16506 SE 29th St Apt 51

Vancouver, WA 98683

971-319-2723

bravoed basicchromatin@aleeas.com

B. The Defendant

Nancy Erhart

384 E County Road 500 S

New Castle, IN 47362

765-686-2316

nerhart1953@gmail.com

3. Statement of Claim

The plaintiff, Bradley Erhart, learned of a traditional Trust and Will now known as The Mary E. Catron Revocable Living Trust and Last Will and Testament of Mary E. Catron on or around April 10, 2021. His mother and defendant who lives in Indiana, Nancy Erhart, informed him on a phone call that she tried closing a trust from his grandmother who passed away on February 22, 2010, and claimed an attorney was upset and refused to assist her. He made an inquiry shortly thereafter about whether he was listed as a beneficiary and was reluctantly told by Nancy that he was, which he later received

42 supporting evidence on or around April 15, 2021 when his sister, Sarah Erhart, sent him a
43 few pictures via text message from the Trust that was in her possession.

44 Sarah refused to provide a full copy of the Trust at that time and claimed via text message
45 that plaintiff isn't a beneficiary and quote:

46 "She messed up. It's done. But it was written in a way that she got to decide how
47 and when to distribute, so even if you went to court and someone ruled yes, she
48 breached, it's not like you would get money. She'd just get slapped with a fine and
49 some legal headaches."

50 Plaintiff was able to secure a full copy of the Will and Trust from Sarah Erhart on May 26,
51 2021 with the assistance of an attorney. Nancy is listed as the Successor Trustee. Plaintiff
52 made a request for an accounting of the Trust on April 15, 2021, which he still has not
53 received. On June 16, 2021, Sarah emailed plaintiff a copy of a power of attorney
54 agreement, in which he believes statements made by Sarah while attorney-in-fact for Nancy
55 violated a "no-contest" clause.

56 Based on information relayed to plaintiff by Nancy and Sarah, plaintiff alleges Nancy Erhart
57 failed to perform her duties as trustee, breached contract, breached trust, and breached
58 fiduciary duty. Plaintiff wants the Will and Trust to be enacted as written, which would
59 revoke all other beneficiaries of their share and interest as if they predeceased Mary E.
60 Catron.

61 Plaintiff is requesting that Nancy Erhart restore all property to the Trust and estate as it
62 was before violation, and to have himself enacted as Trustee so that he can honor the Trust.

Plaintiff makes it known that he does not believe Nancy Erhart, as current Successor Trustee, is entitled to use any Trust property to defend this claim per the Trust.

4. Relief

Plaintiff requests expedited discovery to obtain facts relevant to Plaintiff's claims for relief to prevent further damage and concealment of property, and to improve his opportunity for recovery.

Plaintiff respectfully requests that the court order Nancy Erhart to restore in entirety all property to the Trust and estate as it was before Nancy violated the Will and Trust which is estimated to be in excess of \$100,000 based on the amounts to beneficiaries and the amount he believes Mary E. Catron had in personal property.

Plaintiff asks the court to enact him as Trustee so that he can honor the Trust, and to recognize the "no-contest" clause of the Will and Trust that would provide him with real property estimated to be valued at approximately \$325,000.

5. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint:

1. is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase cost of litigation;
2. is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law;

83 3. the factual contentions have evidentiary support or, if specifically so identified, will
84 likely have evidentiary support after a reasonable opportunity for further
85 investigation or discovery; and

86 4. the complaint otherwise complies with the requirements of Rule 11.

87 I agree to provide the Clerk's Office with any changes to my address where case-related
88 papers may be served. I understand that my failure to keep a current address on file with
89 the Clerk's Office may result in the dismissal of my case.

90

91 Date of signing: 06/20/2021

92 Signature of Plaintiff: /Bradley Erhart/